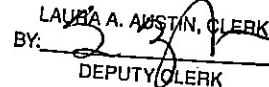


CLERK'S OFFICE U.S. DISTRICT COURT  
AT ROANOKE, VA  
FILED

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

JAN 17 2023

LAWRENCE A. AUSTIN, CLERK  
BY:   
DEPUTY CLERK

No. 21-2926

XCOAL ENERGY & RESOURCES

v.

BLUESTONE ENERGY SALES CORPORATION;  
SOUTHERN COAL CORPORATION; JAMES C. JUSTICE, II,  
Appellants

On Appeal from the United States District Court  
for the District of Delaware  
(District Court Civil No. 1:18-cv-00819)  
District Judge: Honorable Leonard P. Stark

Submitted Under Third Circuit L.A.R. 34.1(a)  
July 15, 2022

BEFORE: GREENAWAY, JR., MATEY, and NYGAARD, *Circuit Judges*

JUDGMENT

This cause came to be considered on the record from the United States District Court for the District of Delaware and was submitted pursuant to Third Circuit L.A.R. 34.1(a) on July 15, 2022.

On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the order of the said District Court entered on September 28, 2021, be and the same is hereby AFFIRMED.

Costs taxed against appellants.

All of the above in accordance with the Opinion of this Court.

ATTEST:

s/Patricia S. Dodzuweit  
Clerk

DATED: July 21, 2022



Certified true copy and issued in lieu  
of a formal mandate on August 25, 2022

Teste: *Patricia S. Dodzuweit*  
Clerk, U.S. Court of Appeals for the Third Circuit

Pursuant to the Court's order entered on September 27, 2022 additional costs taxed as follows: Attorneys fees are awarded in favor of Appellee Xcoal Energy & Resources in the amount of \$88,866.24.



(Amended Mandate)

Certified true copy and issued in lieu  
of a formal mandate on September 27, 2022

A TRUE COPY  
*Beth A. Miller*  
DEPUTY CLERK

Teste: *Patricia S. Dodzuweit*  
Clerk, U.S. Court of Appeals for the Third Circuit